

**MINUTES  
CITY OF EDINA, MINNESOTA  
PLANNING COMMISSION  
CITY COUNCIL CHAMBERS  
AUGUST 31, 2011  
7:00 P.M.**

**I. CALL TO ORDER**

Chair Grabiell called the meeting of the Edina Planning Commission to order at 7:00 PM.

**II. ROLL CALL**

Answering the roll call were Commissioners Platteter, Carpenter, Staunton, Fischer, Forrest, Stefanik, Rock, Scherer, Grabiell

Absent from the roll call were Commissioners Schroeder, Potts.

**III. APPROVAL OF MEETING AGENDA**

Meeting Agenda was approved as submitted.

**IV. APPROVAL OF CONSENT ITEMS**

Commissioner Fischer moved approval of the August 17, 2011, meeting minutes. Commissioner Carpenter seconded the motion. Chair Grabiell ordered the minutes of the August 17, 2011, meeting filed. All voted aye; minutes approved as submitted.

**V. COMMUNITY COMMENT**

*During "Community Comment," the Art Center Board will invite residents to share relevant issues or concerns. Individuals must limit their comments to **three minutes**. The Chair may limit the number of speakers on the same issue in the interest of time and topic. Generally speaking, items that are elsewhere on tonight's agenda may not be addressed during Community Comment. Individuals should not expect the Chair or Board Members to respond to their comments tonight. Instead, the Board might refer the matter to staff for consideration at a future meeting.*

No comment.

**VI. PUBLIC HEARINGS**

*During "Public Hearings," the Chair will ask for public testimony after City staff members make their presentations. If you wish to testify on the topic, you are welcome to do so as long as your testimony is relevant to the discussion. To ensure fairness to all speakers and to allow the efficient conduct of a public hearing, speakers must observe the*

*following guidelines:*

*Individuals must limit their testimony to three minutes. The Chair may modify times as deemed necessary.*

*Try not to repeat remarks or points of view made by prior speakers and limit testimony to the matter under consideration.*

*In order to maintain a respectful environment for all those in attendance, the use of signs, clapping, cheering or booing or any other form of verbal or nonverbal communication is not allowed.*

---

**B-11-05                      Variance  
                                    St. Peter's Lutheran Church/JMS Homes  
                                    3713 Fuller Street**

---

**Planner Presentation**

Planner Aaker informed the Commission St. Peters Lutheran Church located at 5421 France Ave. So. in Edina, has entered into an agreement with JMS Custom Homes to sell a single dwelling unit lot that is just south/across the street from the Church site at 3713 Fuller Street, for the purposes of building a new home. The lot requires a 15 ft. lot width variance from the minimum 75 foot width that is currently required. The lot conforms to the depth and area requirements, however, was subdivided when narrower lot widths were acceptable. The lot is 60 feet in width, therefore a 15 foot lot width variance is requested.

Planner Aaker reported that the subject property is located on the south side of Fuller Street and consists of a vacant single dwelling unit lot. The property was acquired by St. Peters Church on April 1, 2003 and at the time was developed with a home. The home was removed by the Church on October 24, 2003. St. Peters Church also owns a parking lot on the south side of Fuller on the corner of France Ave. and Fuller St. along with two lots east of the parking lot at 3717 and 3721 Fuller St. The property at 3721 Fuller Street is developed with a single family home and the property at 3717 Fuller is vacant. The two properties east of the parking lot are part of a Proof of Parking Agreement that the church entered in to in 1983 in lieu of developing the lots for expansion of the parking lot. Both 3717 and 3721 Fuller are tied to the Parking Agreement in case future parking becomes necessary and neither lot can be sold without adjustment to the Proof of Parking Agreement. The Church expanded in 1983 and was granted a parking variance that allows less improved parking spaces as part of the agreement with an agreed plan to be implemented for parking expansion on 3717 and 3721 Fuller if

deemed necessary.

Planner Aaker noted that the lot in question is not part of the 1983 parking agreement and would have been allowed to be rebuilt on within a year after the home was torn down given that the property was subdivided under different ordinances at the time and was considered a legal nonconforming lot. The ordinance allows continuation of nonconforming situations as long as the condition is not discontinued for one calendar year. After a year has passed with no rebuilt home on the property, the legal nonconformity is considered lapsed with variances from the minimum lot standards required to rebuild on the lot.

A building plan has been provided to demonstrate the type of home that is anticipated to be built on the site. The proposed home has been designed to conform to the zoning ordinance.

Planner Aaker concluded that staff recommends variance approval based on the following findings:

- 1) With the exception of the variance requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.
- 2) The proposal would meet the required standards for a variance, because:
  - a. The proposed use of the property is reasonable; as it is consistent with the Comprehensive Guide Plan.
  - b. The request is reasonable given that a home had occupied the lot in the past.
  - c. The lot widths of the subject properties are consistent and similar to those near it.
- 3) The proposal is in harmony with the intent of the ordinance since it will allow replacement of a home that had occupied the lot in the past and was originally platted for that purpose.
- 4) The unique circumstances are that the property was acquired by the Church with a home subsequently torn down with no option now for redevelopment of the lot without the benefit of a lot width variance.

Approval of the variance is also subject to the following conditions:

Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the condition below:

- Survey date stamped August 1, 2011

### **Appearing for the Applicant**

Jeff Schoenwetter, JMS  
Jim Ravelle, Congregation President

### **Applicant Presentation**

Mr. Schoenwetter gave a brief power point presentation highlighting his history as a developer and depicting plans of the proposed new house.

### **Discussion**

Commissioner Forrest asked Planner Aaker if 3721 Fuller Street was also owned by the church. Planner Aaker responded in the affirmative.

Commissioner Forrest noted that the subject lot is at a higher elevation than the lot to the east, adding she has a concern the "new house" would tower over neighboring structures. Mr. Schoenwetter acknowledged that the subject lot was at a higher elevation. Expanding on his comment Schoenwetter explained that daylight windows would be added to the side of the house to create more of an open feel and no retaining walls would be built; they would work with the existing grade. Schoenwetter noted there would be no significant grading of the lot, adding that the existing grade would be respected.

Chair Grabiell asked Mr. Schoenwetter to clarify if the grade of the lot would be raised. Mr. Schoenwetter reiterated that they are working with the existing conditions of the lot and would not raise the grade.

### **Public Testimony**

None.

**Commissioner Platteter moved to close the public hearing. Commissioner Scherer seconded the motion. All voted aye; motion to close the public hearing carried.**

### **Motion**

**Commissioner Fischer moved to recommend variance approval based on staff findings and subject to staff conditions. Commissioner Carpenter seconded the motion.**

### **Continuing Discussion**

A discussion continued with Commissioner Forrest expressing concern that the overall height of the new house would tower over other houses. Forrest said she would like

some assurance that the new house wouldn't be too tall. It was acknowledged that the subject site is at a higher elevation than abutting property; however the City can't require a developer to remove grade to ensure that neighboring lots are at the same elevation.

Commissioner Forrest reiterated her concern over building height noting that in the past community concern was expressed over massing and McMansions, adding because this house requires a variance additional conditions could be applied to any approval.

Mr. Schoenwetter said it is not his intent to build a house too tall, adding he understands Commissioner Forrest's concern and he wants to do the right thing. He said the house that would be constructed meets all building height, setback and lot coverage requirements; it doesn't require a variance. The variance requested is for lot width.

Further discussion continued on elevations depicted on the surveys with assurances from Mr. Schoenwetter that he does not intend to raise the grade of the subject lot. It was noted by Planner Aaker that code prohibits the first floor elevation of the new home from being more than one-foot above the first floor elevation of the home that was torn down.

Without further discussion Chair Grabiell called for the vote.

**Motion to approve a 15-foot lot width variance for property located at 3713 Fuller Street - Ayes; Platteter, Carpenter, Staunton, Fischer, Forrest, Scherer, Grabiell. Motion carried. 7-0.**

## **VII. REPORTS/RECOMMENDATIONS**

Chair Grabiell asked Commissioners if they have anything to share from their respective boards or committees.

Commissioner Platteter said that he along with Commissioner Potts have been working with the Energy and Environment Committee on a renewal energy ordinance. Platteter said a draft ordinance was sent to Manager Neal and Planner Teague for staff review and comments.

## **VIII. CORRESPONDENCE AND PETITIONS**

Chair Grabiell acknowledged receipt of the Council Connection and correspondence on the "Tree City USA Award Program".

Chair Grabiell noted receipt of literature from JMS Homes, adding he believes JMS was planning to return to the Planning Commission with a revised Sketch Plan Review on Bishops Walk.

Commissioner Fischer referred to an e-mail from Manger Neal. Chair Grabiell explained an e-mail was sent from Neal inviting Boards and Commission members to a Human Relations meeting – Grabiell said he replied that he was unable to attend but invited other Commissioners to attend if so desired.

Commissioner Staunton reported that the Grandview Small Area Plan process was proceeding as scheduled with an appearance scheduled before the City Council on September 6<sup>th</sup>.

#### **IX. CHAIR AND COMMISSION MEMBER COMMENTS**

Chair Grabiell noted that the City Council granted Planning Commissioners a reprieve from attendance during the summer months because of a change in Planning Commission meeting dates. Grabiell pointed out September starts tomorrow, adding the rules on attendance will now apply.

Chair Grabiell said he continues to add items to the Zoning Ordinance Update Committee "bucket list", adding as soon as topics are organized ordinance update topics would be addressed.

Chair Grabiell reported that tonight is Melissa Stefanik's last evening as PC Student Commissioner, acknowledging that when the idea of student members was introduced he was a bit skeptical but now is a strong believer. Grabiell said he has been very impressed with the Commissions student members.

Grabiell and Commissioners wholeheartedly thanked Commissioner Stefanik for her fine service as Student Commissioner.

#### **X. ADJOURNMENT**

Commissioner Platteter moved meeting adjournment at 7:55 PM. Commissioner Staunton seconded the motion. All voted aye; motion for adjournment carried.

**Jackie Hoogenakker**  
Respectfully submitted